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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,348	12/15/2000	Raymond Anthony Joao	RJ171	8508

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EXAMINER
GOTTSCHALK, MARTIN A

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,348

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Vivek D Koppikar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Application

1. This communication is in response to the application filed on December 15, 2000. The Information Disclosure Statement (IDS) filed by the applicants on May 14, 2001 has been acknowledged. Claims 1-20 are pending and have been examined.

Claim Objections

2. Claims 1-2 are objected to because of the following informalities: The meaning of the limitation "wherein said information is generated by a healthcare at least one of machine and device" in lines 8-9 of claim 1 and lines 5-6 of claim 2 is unclear. Appropriate correction and/or clarification is required.

For the purposes of examination, this limitation will be interpreted as a means wherein information (regarding the symptoms or illness of a patient) is generated by a healthcare provider using at least one of a machine and device.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 4-11, and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Number 6,090,044 to Bishop.

Bishop is directed towards a system for diagnosing medical conditions using a neural network.

As per claim 1, which is directed towards an apparatus for providing healthcare information, Bishop teaches a memory device for storing information for performing a healthcare diagnosis (Figure 1 and Col. 4, Ln. 26-64), a receiver for receiving information regarding at least one of an individual's symptom's wherein the information is generated by a healthcare provider using a machine (computer) (Figure 1 and Col. 2, Ln. 60-Col. 3, Ln. 4 and Col. 4, Ln. 14-25), a processor for processing information in conjunction with information contained in the memory device, wherein the processor determines at least one of a diagnosis and a prescribed treatment and generates a diagnostic report containing information regarding a diagnosis and a treatment report containing treatment information (Col. 4, Ln. 40-67, Col. 8, Ln. 16-30 and Col. 9, Ln. 1-21) and a transmitter for transmitting at least one diagnostic report and treatment report to a user using a communication device (PC) (Col. 4, Ln. 65-Col. 5, Ln. 6).

As per claim 2, in the system of Bishop the receiver receives information from a user and a healthcare provider (Col. 4, Ln. 26-39) and the processor processes information from the healthcare provider (Col. 5, Ln. 39-64). Information from the processing phase is stored in a memory device (Col. 4, Ln. 37-39).

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As per claim 4, in the system of Bishop the diagnostic report and the treatment report contain text information and treatment information (Col. 4, Ln. 65-67 and Col. 8, Ln. 16-30).

As per claim 5, in the system of Bishop the healthcare information comprises surgical information and chiropractic information (Col. 9, Ln. 1-21).

As per claim 6, in the system of Bishop the diagnostic report contains probability and statistical information associated with a diagnosis (Figure 6 and Col. 7, Ln. 25-Col. 8, Ln. 55).

As per claim 7, in the system of Bishop the communication device is a personal computer (Col. 4, Ln. 65-Col. 5, Ln. 6).

As per claim 8, in the system of Bishop the receiver receives information regarding treatment to be administered to an individual (Col. 8, Ln. 26-30) and the processor processes information regarding the treatment to be administered to an individual and a procedure to be performed on an individual in conjunction with the treatment and diagnostic report (Col. 7, Ln. 25-Col. 8, Ln. 55). The processor generates a response message wherein the treatment response message contains information on a treatment to be performed as correct (Col. 8, Ln. 26-30).

As per claim 9, which is directed towards an apparatus for providing healthcare information, Bishop teaches a memory device for storing information regarding an occurrence (diagnosis) about which a healthcare provider desires to be notified (Col. 4, Ln. 26-39), and a processor for processing information regarding an individual's healthcare condition and a procedure (event) to be performed on an individual in conjunction with the treatment and diagnostic report (Col. 7, Ln. 25-Col. 8, Ln. 55). The processor generates a response message (notification) wherein the treatment response message contains information on a treatment (event) to be performed as correct (Col. 8, Ln. 26-30). Bishop teaches a transmitter for

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transmitting a notification message to a healthcare provider which is transmitted to a healthcare provider's PC (Col. 4, Ln. 65-Col. 5, Ln. 6 and Col. 8, Ln. 14-30).

As per claim 10, in the system of Bishop the notification message contains text information and treatment information (Col. 4, Ln. 65-67 and Col. 8, Ln. 16-30). The healthcare information comprises surgical and chiropractic information (Col. 9, Ln. 1-21).

As per claim 11, in the system of Bishop the communication device is a personal computer (Col. 5, Ln. 1-7).

As per claim 14, which is directed towards an apparatus for providing healthcare information, Bishop teaches a memory device for storing information regarding a treatment to be administered (Col. 8, Ln. 16-30), an input device for entering information regarding a treatment to be administered to the individual (Col. 4, Ln. 26-39), a receiver for receiving information regarding the treatment to be administered to an individual (Figure 1 and Col. 2, Ln. 60-Col. 3, Ln. 4), a processor for processing information regarding a treatment to be administered to an individual wherein the processor generated a response message which contains information for verifying a treatment to be administered (Col. 4, Ln. 54-64 and Col. 8, Ln. 26-30).

As per claims 15-16, in the system of Bishop the response message is displayed on a display device and transmitted to a communication device (PC) associated with a user (Col. 4, Ln. 65-Col. 5, Ln. 6 and Col. 8, Ln. 26-30). The response message contains text information on a treatment for a medical condition (Col. 8, Ln. 26-30).

As per claim 17, which is directed towards an apparatus for providing healthcare information, the system of Bishop teaches a memory device for storing information for providing

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a healthcare simulation (Col. 4, Ln. 26-39 and Col. 8, Ln. 16-30). The examiner interprets diagnostic and treatment information as a healthcare simulation.

Bishop teaches a receiver for receiving information regarding at least one of a healthcare diagnosis and a prescribed healthcare treatment in response to a presented healthcare scenario (symptom) (Col. 4, Ln. 26-39), and a processor for processing the information regarding at least one of a healthcare diagnosis and a prescribed healthcare treatment in response to the presented healthcare scenario wherein the processor applies the information regarding the healthcare diagnosis to the health care scenario (symptom) and further wherein the processor generates a revised healthcare scenario (diagnosis) (Col. 4, Ln. 54-64), and further wherein the processor stores information regarding the revised healthcare scenario (diagnosis) (Col. 4, Ln. 37-39 and Col. 8, Ln. 56-60).

As per claim 18, the system of Bishop teaches a transmitter for transmitting the healthcare scenario to a communication device (PC) associated with a user (Col. 4, Ln. 65-Col. 5, Ln. 6).

As per claim 19, the system of Bishop teaches a processor which evaluates a healthcare diagnosis (Col. 4, Ln. 54-64 and Col. 8, Ln. 16-60).

As per claim 20, in the system of Bishop the healthcare information comprises surgical information and chiropractic information (Col. 9, Ln. 1-21).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop as applied to Claim 1 above and in further view of US Patent Number 6,014,629 to DeBruin-Ashton.

DeBruin-Ashton is directed towards a system for diagnosing medical conditions using a neural network.

Bishop fails to teach or suggest a healthcare facility directory capable of providing a diagnosis and/or a treatment; however, this feature is known in the art as evidenced by DeBruin-Ashton which teaches a personalized health-care provider directory (Col. 6, Ln. 39-55 and Col. 8, Ln. 36-65). At the time the invention was made, one of ordinary skill in the art would have been motivated to have included a directory, similar to the directory taught in DeBruin-Ashton, in the system of Bishop in order to have provided a patient with a means of locating physicians by zip code (DeBruin-Ashton, Col. 3, Ln. 58-63).

7. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop as applied to Claim 1, above, and in further view of US Patent Number 6,345,260 to Cummings.

Cummings is directed towards a scheduling interface system and method for medical professionals.

As per claims 12-13, Bishop fails to teach or suggest an appointment scheduling and appointment notification feature, however, these features are known in the art as evidenced by Cummings (Col. 6, Ln. 40-Col. 7, Ln. 14 and Col. 11, Ln. 13-15). At the time the invention was made, one of ordinary skill in the art would have been motivated to modify the system of Bishop by adding this appointment scheduling and notification feature in order to have provided the user with a compatible means of scheduling appointments over the Internet (Col. 1, Ln. 11-13).

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Vivek Koppikar** whose telephone number is **(703) 305-5356**. The examiner can normally be reached on Monday-Friday from 8 AM to 5 PM, Eastern Time.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned are (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vivek Koppikar

9/10/04



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